

WYC:DAL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

M-10-1295

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UNITED STATES OF AMERICA

C O M P L A I N T

- against -

(21 U.S.C. §§ 952(a)
and 960)

JEFFREY PENA,

Defendant.

- - - - -X

EASTERN DISTRICT OF NEW YORK, SS:

REBECCA GOLDSTEIN, being duly sworn, deposes and states that she is a Special Agent of the United States Department of Homeland Security, Immigration and Customs Enforcement, duly appointed according to law and acting as such.

Upon information and belief, on or about November 1, 2010, within the Eastern District of New York and elsewhere, defendant JEFFREY PENA did knowingly, intentionally and unlawfully import into the United States from a place outside thereof a substance containing heroin, a Schedule I controlled substance.

(Title 21, United States Code, Sections 952(a) and 960).

The source of your deponent's information and the grounds for his belief are as follows:¹

1. On or about November 1, 2010, JEFFREY PENA arrived at John F. Kennedy International Airport ("J.F.K. Airport") in Queens, New York, aboard Lan Ecuador Flight 538 from Guayaquil, Ecuador.

2. Defendant JEFFREY PENA was selected for a Customs and Border Protection ("CBP") examination. The defendant presented for inspection one black roller-bag. The defendant answered in the affirmative when asked if the bag and its contents belonged to him.

3. During an inspection of the defendant JEFFREY PENA's bag, a CBP officer removed a pair of cargo pants, which seemed unusually heavy and appeared to contain items in the pockets. The CBP officer removed two black packages from the pockets, which were subsequently probed. A tan powdery substance was discovered in the packages, which field-tested positive for the presence of heroin.

4. The CBP officer then removed from the defendant's bag three pairs of pants and two pairs of shorts, in which nine additional packages were concealed. Those packages also field-

^{1/} Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause, I have not described all the relevant facts and circumstances of which I am aware.

tested positive for the presence of heroin.

5. The total approximate gross weight of the heroin found in the defendant JEFFREY PENA's bag is 3,513.6 grams.

WHEREFORE, your deponent respectfully requests that defendant JEFFREY PENA be dealt with according to law.

REBECCA GOLDSTEIN
Special Agent
U.S. Department of Homeland Security
Immigration and Customs Enforcement

Sworn to before me this
2nd day of November, 2010

UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK